

EXHIBIT No. 1: DECLARATION OF JOSH WEST

In the matter of:

Graham et al. v. Justice Energy, Inc., et al., Civil Action No. 1:19-cv-00597

I, Josh West, declare under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

- 1) I serve as an International Representative for District 17 of the International Union, United Mine Workers of America ("UMWA"). I have worked for the International Union since 2018.
- 2) District 17 of the UMWA includes Southern West Virginia and portions of Virginia. I am assigned to the Castlewood Office at 114 Miner's Drive, Alt. 58, Castlewood, VA 24224.
- 3) In my capacity as an International Representative, I administer collective bargaining agreements covering UMWA members working for employers located in District 17. Administering collective bargaining agreements includes handling grievances and arbitrations, making information requests to Employers, filing charges before the National Labor Relations Board, and taking other actions to ensure that signatory employers comply with the terms and conditions of their respective collective bargaining agreements.
- 4) Among the collective bargaining agreements that I administer are those that were signed by the Defendants in the above-referenced case: Justice Energy Co., Keystone Service Industries, Inc., Bluestone Coal Corp., Double-Bonus Coal Co., and Southern Coal Corporation ("the Justice Companies").
- 5) The collective bargaining agreements signed by the Justice Companies requires them to provide medical and prescription drug coverage to eligible retirees and their dependents through an Employee Benefit Plan.
- 6) Periodically, and without notice or warning, the Justice Companies' retiree prescription drug coverage is cancelled or terminated. In my capacity as International Representative, I receive phone calls from eligible retirees and eligible dependents from the Justice Companies complaining that they went to the pharmacy to fill a prescription and were informed that their coverage was cancelled or terminated. I generally receive calls from multiple retirees on the same day, indicating that it was not an isolated event. These periodic cancellations or terminations happened both before and after this law suit was filed. Retirees have told me that whether or not they will have prescription drug coverage on any given day is a constant concern.
- 7) It is my understanding that some retirees also contact the Justice Companies directly and some contact the UMWA Legal Department to report the cancellations or terminations. It is my understanding that the UMWA Legal Department also contacts the Justice Companies regarding periodic lapses in prescription drug coverage and that coverage was usually restored within a week, though sometimes longer.
- 8) On January 21, 2020, the Court issued a Consent Order that was signed by the UMWA and the Justice Companies. In that Order, the Justice Companies agree to provide uninterrupted prescription drug coverage, as required by their collective bargaining agreements.
- 9) Beginning on or about April 14, 2021, I began to receive phone calls from eligible retirees and eligible dependents of the Justice Companies, complaining that they had been informed by their pharmacy that their prescription drug coverage was cancelled or terminated.
- 10) The retirees were not given any warning that their prescription drug coverage would be cancelled or terminated. Some of the retirees attempted to contact the Justice Companies, but were unable to reach them. The Justice Companies have not received an explanation for the cancellation or termination of their prescription drug benefits.
- 11) Some retirees and their dependents have been required to pay for their prescription drug out-of-pocket. Other retirees and their dependents require multiple and/or expensive prescriptions and cannot afford to pay for them out-of-pocket. As a result, they have been forced to forego their medication.
- 12) At no time since April 14, 2021 has anyone employed by the Justice Companies explained why the coverage has been cancelled or when retirees can expect their coverage to be restored.

I declare under penalty of perjury that the foregoing is true and correct. Executed on:

4-14-2021

Date

Josh West

Josh West (Signature)